

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

ELIAS N. QUINTANA, JR.,)
)
 Plaintiff,)
)
 v.)
)
 HON. JUDGE THOMAS ALFORD,)
 MONTE STROUT,)
 GENE S. ELLIS, JR., and)
 FIRST STATE BANK, an Oklahoma)
 Corporation,)
)
 Defendants.)

Case Number: CV-10-420-JHP

ORDER

Before the Court is Plaintiff Elias N. Quintana, Jr.'s Motion for Default Judgment against Defendant Gene Ellis. Docket No. 30. The Plaintiff, appearing *pro se*, alleges that Defendant Ellis was served on November 10, 2010 and "had not answered." *Id.*

The docket reflects that Defendant Ellis was in fact served on November 10, 2010 (Docket No. 29), but on December 13, 2010 Ellis was granted an extension of time in which to file a responsive pleading (Docket No. 23). The Court set the extended deadline at December 29, 2010 (*id.*), and the docket reflects that Ellis filed a Motion to Dismiss on December 28, 2010 (Docket No. 28). Therefore, Defendant Ellis has not defaulted. Plaintiff's request for a default judgment must be DENIED.

IT IS SO ORDERED this 21st day of June, 2011.


James H. Payne
United States District Judge
Eastern District of Oklahoma